

103^D CONGRESS
1ST SESSION

H. R. 3505

To amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1993

Mr. WAXMAN introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Developmental Disabil-
3 ities Assistance and Bill of Rights Act Amendments of
4 1993”.

5 **SEC. 2. TITLE AND PART HEADINGS.**

6 (a) TITLE.—The heading of title I of the Devel-
7 opmental Disabilities Assistance and Bill of Rights Act
8 (42 U.S.C. 6000 et seq.) is amended to read as follows:
9 **“TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMEN-**
10 **TAL DISABILITIES”.**

12 (b) PART.—The heading of part A of title I of the
13 Developmental Disabilities Assistance and Bill of Rights
14 Act (42 U.S.C. 6000 et seq.) is amended to read as fol-
15 lows:

16 **“PART A—GENERAL PROVISIONS”.**

17 **SEC. 3. FINDINGS AND PURPOSES.**

18 Section 101 of the Developmental Disabilities Assist-
19 ance and Bill of Rights Act (42 U.S.C. 6000) is amended
20 to read as follows:

21 **“SEC. 101. FINDINGS, PURPOSES, AND POLICY.**

22 **“(a) FINDINGS.—**The Congress finds that—

23 **“(1)** in 1993 there are more than 3,000,000
24 individuals with developmental disabilities in the
25 United States;

1 “(2) disability is a natural part of the human
2 experience that does not diminish the right of indi-
3 viduals with developmental disabilities to enjoy the
4 opportunity to live independently, enjoy self-deter-
5 mination, make choices, contribute to society, and
6 experience full integration and inclusion in the eco-
7 nomic, political, social, cultural, and educational
8 mainstream of American society;

9 “(3) individuals with developmental disabilities
10 continually encounter various forms of discrimina-
11 tion in critical areas;

12 “(4) there is a lack of public awareness of the
13 capabilities and competencies of individuals with de-
14 velopmental disabilities;

15 “(5) individuals whose disabilities occur during
16 their developmental period frequently have severe
17 disabilities that are likely to continue indefinitely;

18 “(6) individuals with developmental disabilities
19 often require lifelong specialized services and assist-
20 ance, provided in a coordinated and culturally com-
21 petent manner by many agencies, professionals, ad-
22 vocates, community representatives, and others to
23 eliminate barriers and to meet the needs of such in-
24 dividuals and their families;

1 “(7) a substantial portion of individuals with
2 developmental disabilities and their families do not
3 have access to appropriate support and services from
4 generic and specialized service systems and remain
5 unserved or underserved;

6 “(8) family members, friends, and members of
7 the community can play an important role in en-
8 hancing the lives of individuals with developmental
9 disabilities, especially when the family and commu-
10 nity are provided with the necessary services and
11 supports; and

12 “(9) the goals of the Nation properly include
13 the goal of providing individuals with developmental
14 disabilities with the opportunities and support to—

15 “(A) make informed choices and decisions;

16 “(B) live in homes and communities in
17 which such individuals can exercise their full
18 rights and responsibilities as citizens;

19 “(C) pursue meaningful and productive
20 lives;

21 “(D) contribute to their family, commu-
22 nity, State, and Nation;

23 “(E) have interdependent friendships and
24 relationships with others; and

1 “(F) achieve full integration and inclusion
2 in society;
3 in an individualized manner, consistent with unique
4 strengths, resources, priorities, concerns, abilities
5 and capabilities of each individual.

6 “(b) PURPOSE.—The purpose of this Act is to assure
7 that individuals with developmental disabilities and their
8 families have access to culturally competent services, sup-
9 ports, and other assistance and opportunities that promote
10 independence, productivity, and integration and inclusion
11 into the community, through—

12 “(1) support to State Developmental Disabil-
13 ities Councils in each State to promote, through sys-
14 temic change, capacity building, and advocacy (con-
15 sistent with section 101(c)(2)), a consumer and fam-
16 ily-centered, comprehensive system, and a coordi-
17 nated array of services, supports, and other assist-
18 ance for individuals with developmental disabilities
19 and their families;

20 “(2) support to protection and advocacy sys-
21 tems in each State to protect the legal and human
22 rights of individuals with developmental disabilities;

23 “(3) support to university affiliated programs
24 to provide interdisciplinary preservice preparation of
25 students and fellows, community service activities,

1 and the dissemination of information and research
2 findings; and

3 “(4) support to national initiatives to collect
4 necessary data, provide technical assistance to State
5 Developmental Disabilities Councils, protection, and
6 advocacy systems and university affiliated programs,
7 and support other nationally significant activities.

8 “(c) POLICY.—It is the policy of the United States
9 that all programs, projects, and activities receiving assist-
10 ance under this Act shall be carried out in a manner con-
11 sistent with the principles that—

12 “(1) individuals with developmental disabilities,
13 including those with the most severe developmental
14 disabilities, are capable of achieving independence,
15 productivity, and integration and inclusion into the
16 community, and the provision of services, supports
17 and other assistance can improve such individuals’
18 ability to achieve independence, productivity, and in-
19 tegration and inclusion;

20 “(2) individuals with developmental disabilities
21 and their families have competencies, capabilities
22 and personal goals that should be recognized, sup-
23 ported, and encouraged and any assistance should be
24 provided in an individualized manner, consistent

1 with the unique strengths, resources, priorities, con-
2 cerns, abilities, and capabilities of the individual;

3 “(3) individuals with developmental disabilities
4 and their families are the primary decisionmakers
5 regarding the services and supports such individuals
6 and their families receive and play decisionmaking
7 roles in policies and programs that affect the lives
8 of such individuals and their families;

9 “(4) services, supports, and other assistance are
10 provided in a manner that demonstrates respect for
11 individual dignity, personal preferences, and cultural
12 differences;

13 “(5) communities accept and support individ-
14 uals with developmental disabilities and are enriched
15 by the full and active participation and the contribu-
16 tions by individuals with developmental disabilities
17 and their families; and

18 “(6) individuals with developmental disabilities
19 have opportunities and the necessary support to be
20 included in community life, have interdependent re-
21 lationships, live in homes and communities, and
22 make contributions to their families, community,
23 State, and Nation.”.

1 **SEC. 4. TECHNICAL AMENDMENTS.**

2 (a) PROTECTION AND ADVOCACY OF THE RIGHTS OF
3 INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.—
4 The heading of part C of title I of the Developmental Dis-
5 abilities Assistance and Bill of Rights Act (42 U.S.C.
6 6041 et seq.) is amended to read as follows:

7 **“PART C—PROTECTION AND ADVOCACY OF THE**
8 **RIGHTS OF INDIVIDUALS WITH DEVEL-**
9 **OPMENTAL DISABILITIES”.**

10 (b) SYSTEM REQUIRED.—Section 142 of the Devel-
11 opmental Disabilities Assistance and Bill of Rights Act
12 (42 U.S.C. 6042) is amended by adding at the end the
13 following subsection:

14 “(i) PUBLIC NOTICE OF FEDERAL ONSITE RE-
15 VIEW.—The Secretary shall provide advance public notice
16 of any Federal programmatic and administrative review
17 and solicit public comment on the system funded under
18 this part through such notice. The findings of the public
19 comment solicitation notice shall be included in the onsite
20 visit report. The results of such reviews shall be distrib-
21 uted to the Governor of the State and to other interested
22 public and private parties.”.

23 **SEC. 5. AUTHORIZATIONS OF APPROPRIATIONS.**

24 (a) PLANNING OF PRIORITY AREA ACTIVITIES.—
25 Section 130 of the Developmental Disabilities Assistance
26 and Bill of Rights Act (42 U.S.C. 6030) is amended by

1 striking “\$77,400,000” and all that follows and inserting
2 the following: “\$70,000,000 for fiscal year 1994, and such
3 sums as may be necessary for each of the fiscal years 1995
4 and 1996.”.

5 (b) PROTECTION AND ADVOCACY OF INDIVIDUAL
6 RIGHTS.—Section 143 of the Developmental Disabilities
7 Assistance and Bill of Rights Act (42 U.S.C. 6043) is
8 amended by striking “\$24,200,000” and all that follows
9 and inserting the following: “\$24,000,000 for fiscal year
10 1994, and such sums as may be necessary for each of the
11 fiscal years 1995 and 1996.”.

12 (c) UNIVERSITY AFFILIATED PROGRAM.—Section
13 154 of the Developmental Disabilities Assistance and Bill
14 of Rights Act (42 U.S.C. 6064) is amended to read as
15 follows:

16 **“SEC. 154. AUTHORIZATION OF APPROPRIATIONS.**

17 “For the purpose of making grants under subsections
18 (a) through (e) of section 152, there are authorized to be
19 appropriated \$19,000,000 for fiscal year 1994, and such
20 sums as may be necessary for each of the fiscal years 1995
21 and 1996.”.

22 (d) PROJECTS OF NATIONAL SIGNIFICANCE.—Sec-
23 tion 163(a) of the Developmental Disabilities Assistance
24 and Bill of Rights Act (42 U.S.C. 6083(a)) is amended
25 by striking “\$3,650,000” and all that follows and insert-

1 ing the following: “\$4,000,000 for fiscal year 1994, and
2 such sums as may be necessary for each of the fiscal years
3 1995 and 1996.”.

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